

JAPAN 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Japan has a parliamentary government with a constitutional monarchy. On November 10, Kishida Fumio, the new leader of the Liberal Democratic Party, was confirmed as prime minister. International observers assessed elections to the Lower House of the Diet in October, which the Liberal Democratic Party and its coalition partner, Komeito, won with an absolute majority, as free and fair. Domestic lawyers filed lawsuits seeking to nullify the results of the Lower House election in all electoral districts for alleged unconstitutional vote weight disparities (see Section 3, Elections and Political Participation).

The National Public Safety Commission, a cabinet-level entity, oversees the National Police Agency, and prefectural public safety commissions have responsibility for local police forces. Civilian authorities maintained effective control over the security forces. There were credible reports members of the security forces committed some abuses.

Significant human rights issues included credible reports of: significant barriers to accessing reproductive health; and crimes involving violence or threats of violence targeting persons with disabilities, members of national/racial/ethnic minority groups, or indigenous peoples. There were concerns that some laws and practices, if misused, could infringe on freedom of the press. A human rights concern was criminal libel laws, although there was no evidence the government abused these laws to restrict public discussion.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in corrupt practices. There were no known reports of such action during the year.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

The government continued to deny death row inmates advance information about the date of execution until the day the sentence was to be carried out. The government notified family members of executions after the fact. The government held that this policy spared prisoners the anguish of knowing when they were going to die.

Authorities by law hold prisoners condemned to death in solitary confinement until their execution but allowed visits by family, lawyers, and others. The length of such solitary confinement varied from case to case and may extend for several years.

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

Prison conditions generally met international standards, although some prisons continued to lack adequate medical and mental health care, and sufficient heating in the winter or cooling in the summer. Prisoners in the Tokyo area presented chilblains-affected fingers and toes of varying severity resulting from long-term exposure to cold. Meals were strictly rationed and were often considered insufficient, leading to significant weight loss, according to independent observers. Prisons and detention centers routinely held prisoners and detainees alone in their cells for extended periods. While not generally applied punitively, this resulted in

what was effectively solitary confinement. Prisoners routinely spent up to 24 hours a day in their cells, with exercise periods not consistently allowed.

Long-term detention of foreign nationals at immigration centers continued to be a concern. In response to COVID-19, the Ministry of Justice granted temporary release to many detainees, reducing the population in immigration facilities from more than 1,000 in April 2020 to 346 as of June 2. Of the 346, approximately 60 percent had been detained for more than six months, some for as long as eight years. Detention practices led to an increasing number of protests, including hunger strikes, among detainees. Some facilities imposed forceful control of detainees, including women, and failed to protect detainees' privacy.

Once sentenced, convicted prisoners generally had no access to telephones.

Physical Conditions: Authorities held women separately from men, and juveniles younger than age 20 separately from adults in prisons, other correctional facilities, and immigration facilities.

From April 2019 through March 2020, third-party inspection committees of prisons and immigration detention centers documented inadequate medical care as a major concern. Inspection committees also called for providing prison officers with additional human rights education, enhancing COVID-19 preventive measures, and improving heating and cooling systems. According to the Ministry of Justice, in 2020 there were 292 doctors working at correctional institutions, approximately 90 percent of the required staffing level.

On March 6, 33-year-old Ratnayake Liyanage Wishma Sandamali, detained at an immigration facility in Nagoya for more than six months for overstaying her visa, died at a hospital from an unidentified disease, according to an Immigration Services Agency report. Wishma began complaining of stomach pain and other symptoms in January and continued applying for provisional release for hospital treatment. She requested a physical exam at a hospital outside the facility in late February, but the request was never relayed to management and was not met. Instead, the facility conducted an exam at a hospital's psychiatric department on March 4. The Nagoya facility had only a part-time doctor who worked twice a week for two hours each shift. No medical personnel were available on Saturdays,

the day on which Wishma died. The Immigration Services Agency attributed the facility's delay in placing an emergency call to the absence of consultation with a medical professional. On August 10, the Immigration Services Agency established a 20-member team to promote reform; four officials who oversaw Wishma's detention were given verbal warnings. The nongovernmental organizations (NGO) Arbitrary Detention Network, Human Rights Now, and Foreign Human Rights Law Liaison Committee issued a statement protesting the report, calling its study of the cause of death and its recommendations for preventive measures insufficient. They also voiced concerns about insufficient medical resources, communication failures, the facility's staffers' disregard for the detainee's complaint, and lack of proper oversight their rights.

Administration: Most authorities permitted prisoners and immigration detainees to submit complaints to judicial authorities and to request investigation of alleged problems. Legal experts and human rights NGOs, however, continued to raise concerns that authorities controlled the complaint process at immigration detention centers. Complainants were, for example, required to notify detention officers about complaints. Authorities provided the responses to prisoners and immigration detainees in a letter offering little detail beyond a final determination.

Independent Monitoring: The government generally allowed scheduled visits by elected officials, NGOs, members of the media, and international organizations.

By law the Ministry of Justice appointed members to inspection committees for government-run prisons and immigration detention centers from outside of the national government. Authorities permitted the committees, which include physicians, lawyers, local municipal officials, local citizens, and experts, to interview detainees without the presence of prison and immigration detention center officers. Prisons and immigration detention centers generally acted upon or gave serious consideration to their recommendations.

Legal experts and human rights NGOs, however, raised concerns about aspects of the inspection process and the teams' makeup. Police supervisory authorities and prefectural public safety commissions appointed the members of inspection committees for police detention facilities, albeit from outside of the police force. Authorities also accepted some recommendations by NGOs in selecting inspection

committee members. Legal experts and human rights NGOs also continued to voice concern that undisclosed selection criteria and the members themselves impeded nongovernmental experts' ability to evaluate whether the selected members were appropriately qualified. In immigration detention facilities, detention officers were also responsible for scheduling on-site inspections by the inspection committees and determining the time allowed for committees to interview detainees.

NGOs and the UN Committee against Torture also continued to raise concerns about the inspection process. For instance, they cited concerns about the requirement to submit advance notifications to facility authorities. They also raised concerns about a lack of transparency in the selection of committee members.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention. Police officers may stop and question any person who is suspected of having committed or whom they believe is about to commit a crime or possesses information on a crime. Civil society organizations continued to urge police to end ethnic profiling and unjustified surveillance of foreigners.

Arrest Procedures and Treatment of Detainees

Authorities apprehended persons openly with warrants based on evidence and issued by a duly authorized official and brought detainees before an independent judiciary. In urgent cases when there is sufficient basis to suspect that suspects committed specific crimes, including a crime punishable by death, the law allows police to arrest suspects without obtaining warrants beforehand, but it requires police to seek to obtain warrants immediately after arrest.

The law allows suspects, their families, or representatives to request that the court release an indicted detainee on bail. Bail is not available prior to indictment. NGOs and legal experts stated bail was very difficult to obtain without a confession. Authorities tended to restrict access to defense counsel for detainees who did not confess. Other elements of arrest and pretrial detention practices (see below) also tended to encourage confessions. The Public Prosecutors Office

reported that in 2020 approximately 67 percent of all criminal suspects who were referred to prosecutors by police did not face indictment. Prosecutors indicted the remaining approximately 33 percent, of whom nearly all were convicted. In most of these cases, suspects had confessed.

Suspects in pre-indictment detention are legally required to face interrogation. Police guidelines limit interrogations to a maximum of eight hours a day and prohibit overnight interrogations. Pre-indictment detainees have access to counsel, including at least one consultation with a court-appointed attorney, if required. There is no legal right, however, for defense counsel to be present during interrogations.

The law allows police to prohibit suspects from meeting with persons other than counsel (and a consular officer in the case of foreign detainees) if there is probable cause to believe that the suspect may flee or conceal or destroy evidence (see Pretrial Detention below). Many suspects, including most charged with drug offenses, were subject to this restriction before indictment, although some were permitted visits from family members in the presence of a detention officer. There is no legal connection between the type of offense and the length of time authorities may deny a suspect visits by family or others. Those held for organized crime or on charges involving other criminals, however, tended to be denied such visits because prosecutors believed that communications with family or others could interfere with investigations.

Police and prosecutors must record the entire interrogation process in cases involving heinous crimes, including murder, death or injury resulting from rape, arson, and kidnapping for ransom. In such cases, an arrested suspect's statements to police and prosecutors during an interrogation are in principle inadmissible without a recording. According to legal experts, this was intended to prevent forced confessions and false charges. Police are also required to make best efforts to record the interrogation process when arrested suspects have a mental disability. The Japan Federation of Bar Associations noted that criminal cases subject to video recording constituted 2 percent of the country's criminal cases in 2018, and it advocated expanding the measure to include the video recording of the interrogations of pre-arrest suspects and in all criminal cases. Legal experts therefore continued to express concerns about forced confessions, especially in

cases involving white-collar crimes.

Arbitrary Arrest: There were credible reports of foreigners being stopped and searched by police in suspected racial-profiling incidents. Individuals were detained, questioned, and searched. In multiple cases, Black individuals were accused of having drugs on their body, although there was no reason to believe this to be the case. In some cases, individuals were required to remove their shoes, belts, and other clothing items in public, and within view of bystanders.

In June a Muslim woman reported that police allowed an ethnic Japanese man to verbally assault her and her three-year-old daughter. The man alleged that the daughter kicked the man's son, which the mother denied. The woman said she and her child were detained for 90 minutes before being taken to the police station where they were questioned for three hours in a small room with five officers before they were separated for additional questioning. According to the mother, police gave her name, address, and phone number to the man without her permission. The man then posted pictures of the woman and her daughter on social media with the caption "Attempted Murderers."

Pretrial Detention: Authorities routinely held suspects in police-operated detention centers for an initial 72 hours prior to indictment although, by law, such detention is allowed only when there is probable cause to suspect that a person has committed a crime and is likely to conceal or destroy evidence or flee. After interviewing a suspect at the end of the initial 72-hour period, a judge may extend pre-indictment custody for up to two consecutive 10-day periods. Prosecutors routinely sought and received such extensions. Prosecutors may also apply for an additional five-day extension in exceptional cases, such as insurrection, foreign aggression, or violent public assembly.

NGOs and legal experts reported the practice of detaining suspects in pre-indictment detention or *daiyou kangoku* (substitute prison) continued. Because judges customarily granted prosecutors' requests for extensions, pre-indictment detention usually lasted for 23 days for nearly all suspects, including foreigners. Moreover, the 23-day detention period may be applied on a per charge basis, so individuals facing multiple charges may be held far longer. NGOs and foreign observers continued to report that for persons in *daiyou kangoku*, access to persons

other than their attorneys was routinely denied, and they were subject to lengthy interrogation without counsel throughout this period.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants are legally presumed innocent until proven guilty, but NGOs and lawyers continued to suggest that this was not the case because of the pressure on suspects to confess prior to trial. Foreign suspects with time-limited visas often confessed in exchange for a suspended sentence in order to close the case before their visas, which are not extended for trial, expire. The time between the conclusion of the trial and the rendering of the verdict and subsequent sentencing can be very long, especially in more complex cases, to allow judges to re-examine evidence.

Defendants have the right to be informed promptly and in detail of charges against them. Each charged individual has the right to a trial without undue delay (although observers noted that trials could be delayed indefinitely for mentally ill prisoners); to access to defense counsel, including an attorney provided at public expense if indigent; and to cross-examine witnesses. There is a lay judge (jury) system for serious criminal cases. Defendants have the right to attend their trials and may not be compelled to testify against themselves. Authorities provided free interpretation services to foreign defendants in criminal cases. Foreign defendants in civil cases must pay for interpretation, although a judge may order the plaintiff to pay the charges in accordance with a court's final decision.

Defendants have the right to appoint their own counsel to prepare a defense, present evidence, and appeal. The court may assist defendants in finding an attorney through a bar association. Defendants may request a court-appointed attorney at state expense if they are unable to afford one.

Trial procedures favored the prosecution. Observers said a prohibition against

defense counsel's use of electronic recording devices during interviews with clients undermined counsel effectiveness. The law also does not require full disclosure by prosecutors unless the defending attorney satisfies difficult disclosure procedure conditions, which could lead to the suppression of material favorable to the defense.

The Japan Federation of Bar Associations called for an end to the usual practice of restraining criminal defendants with handcuffs and ropes around their waists, ostensibly to prevent escape attempts, during entry into and exit from the courtroom, which they argued could undermine the presumption of innocence. The handcuffs and ropes are removed during trials.

NGOs expressed concern about the retrial process for inmates on death row because execution is not stayed for a pending petition of retrial, which the Japan Federation of Bar Associations asserted called into question the validity of executions.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. There are both administrative and judicial remedies for alleged wrongs. Individuals may file lawsuits seeking damages for, or cessation of, a human rights abuse with domestic courts.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and

Other Media

The constitution provides for freedom of speech and expression, including for members of the press and other media, and the government generally respected these freedoms. An independent media, an effective judiciary, and a functioning democratic political system combined to sustain freedom of expression.

Freedom of Expression: There is a hate speech law designed to eliminate hate speech against persons originating from outside the country by developing government consultation systems and promoting government awareness efforts. The law, however, neither penalizes nor prohibits hate speech, so as not to impede freedom of speech. Legal and civil society experts acknowledged a continued decrease in hate speech at street demonstrations since the law, and subsequent municipal ordinances, went into effect in 2016. In contrast hate speech increased in propaganda and online, while crimes targeting members of specific ethnicities also continued, according to experts who called on the government to implement more effective deterrent measures and conduct a survey on hate speech incidents. Eight local governments have ordinances to prevent hate speech – Osaka City in Osaka Prefecture; Setagaya Ward, Kunitachi City, and Komae City in Tokyo Prefecture; Kijo Town in Miyazaki Prefecture; Kobe City, and Kawasaki City. Kawasaki is the first and only government with an ordinance imposing fines as a criminal penalty.

Freedom of Expression for Members of the Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction. While no such cases have ever been pursued, the law enables the government to prosecute those who publish or disclose government information that is a specially designated secret. Those convicted face up to five years' imprisonment with work and a substantial fine.

Censorship or Content Restrictions: Domestic and international observers continued to express concerns that the system of *kisha* (reporter) clubs attached to government agencies may encourage self-censorship. These clubs are established in a variety of organizations, including government ministries, and may block nonmembers, including freelance and foreign reporters, from covering the organization.

Libel/Slander Laws: Libel is a criminal as well as civil offense. The law does not accept the truthfulness of a statement as a defense. There was no evidence the government abused these laws to restrict public discussion.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The Ministry of Justice reported that the number of human rights abuses via the internet decreased 14.7 percent from 2019 to 2020.

Academic Freedom and Cultural Events

There were no reported incidents of governmental restriction of academic freedom or cultural events.

Approval of history textbooks has long been a controversial issue. In March the Ministry of Education, Culture, Sports, Science and Technology released screening results for new high school textbooks. Textbooks were screened using updated guidelines in response to new national guidelines. The updated guidelines include the principle that textbooks should align with the national government's official stance on issues.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, except for

travel restrictions implemented by the government to and within the country as COVID-19 infection prevention measures.

Foreign Travel: The government's COVID-19 infection prevention measures restricted entry to the country by nearly all foreign nationals. Re-entry by residents was subject to quarantine at government facilities and movement restrictions for 14 days. Citizens were not subject to restrictions on leaving the country or foreign travel but were subject to re-entry restrictions.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection for and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. In March the Immigration Services Agency and UNHCR signed a memorandum of cooperation to improve the quality of the government's refugee status system. As of September, activities under the memorandum had not been finalized.

Access to Asylum: The law provides for granting asylum or refugee status. The country's refugee screening process was, however, strict; in 2020 the government granted 47 applicants refugee status out of 3,936 first-time applications, a 10-year high. NGOs and UNHCR expressed concern about the low rates of approval.

NGOs, including legal groups, expressed concern about the restrictive screening procedures that discouraged individuals from applying for refugee status and led applicants to voluntarily withdraw their applications and accept deportation, specifically claiming that the government's interpretation of "fear of persecution" used when adjudicating refugee claims was overly restrictive and required absolute certainty of immediate danger to an applicant. UNHCR lacked access to the government's assessments of refugee claims to evaluate how the Ministry of Justice was applying the criteria that determine refugee status. Civil society groups reported that it took an average of four years for an asylum seeker to be recognized

as a refugee, and some cases involving multiple appeals lasted 10 years.

Immigration authorities administered the first round of hearings on whether to grant refugee status. Asylum seekers were not allowed to have lawyers participate in the first round of hearings, except for vulnerable cases, including minors age 15 or younger who had no guardians and applicants with disabilities.

The Refugee Examination Counselors, an outside panel appointed by the Ministry of Justice, conducted second hearings to review appeals from persons denied refugee status. All persons appearing before the counselors had the right to an attorney. The Ministry of Justice is obliged to hear, but not to accept, the opinions of the counselors. Legal experts questioned whether the review system delivered fair judgements, citing Ministry of Justice statistics showing the counselors recommended refugee status for only one of the 6,475 applicants who filed appeals in 2020.

Immigration authorities also conducted hearings to review complaints from asylum seekers about problems with the process.

As government-funded legal support was not available for most refugees and asylum seekers, the Japan Federation of Bar Associations continued to fund a program that provided free legal assistance to those who could not afford it.

While asylum seekers arriving in the country irregularly or without a visa allowing for residency were subject to detention, asylum seekers increasingly had valid visas prior to asylum applications. The Ministry of Justice announced that in 2020 approximately 95 percent (3,721 of the 3,936 applicants) had valid visas, including visas for temporary visitors or designated activities.

In 2020 the government granted humanitarian-based permission to stay to 44 asylum seekers. According to the Ministry of Justice, in 2019 (latest available data) there were 8,967 voluntary repatriations and 516 involuntary deportations. As of December 2019, 2,217 persons subject to deportation orders were allowed to live outside of immigration facilities; 942 persons under deportation orders were held in immigration detention facilities. There is no legal limit to the potential length of detention. In response to COVID-19, more detainees were permitted to stay outside immigration facilities, according to the Ministry of Justice (see section

1.c., Prison and Detention Center Conditions).

The Ministry of Justice, the Japan Federation of Bar Associations, and the NGO Forum for Refugees Japan continued to cooperate to implement the Alternatives to Detention project to provide accommodations, advice on living in the country, and legal services for individuals meeting certain criteria. Services were available to those who arrived at Narita, Haneda, Chubu, and Kansai airports seeking refugee status. Government-subsidized civil organizations and donations funded the project.

In April the Ministry of Justice for the first time granted refugee status to a Chinese national Falun Gong practitioner residing in the country, according to the Japanese Falun Dafa Association. The woman feared religious persecution if she returned to China. She had lived in the country for eight years and applied for refugee status multiple times prior to being recognized.

In August the Ministry of Justice granted refugee status to a Burmese national soccer player, Pyae Lyan Aung, who expressed concern about a risk to his life should he return to Burma after he publicly protested against the Burmese junta at a soccer match in Japan in May. His case was adjudicated with unusual speed.

Refoulement: Persons under deportation order had the right to refuse deportation and most did, often because of fear of returning home or because they had family in the country. According to Justice Ministry statistics released in December 2019, a substantial majority of those under deportation orders refused deportation. Of those who refused deportation, 60 percent in 2019 were in the process of applying for refugee status. By law the government may not deport those who are subject to deportation orders while their refugee applications are pending, however they were commonly detained during this process, which can take several years.

In September the Tokyo High Court ruled that the constitutional rights of two Sri Lankan men were violated when they were deported without the opportunity to appeal the denial of their refugee status applications. The court ruled immigration authorities “intentionally delayed notifying [the men] of the results of dismissal so that they could deport them before they filed a lawsuit.” One of the plaintiffs who was deported to Sri Lanka had been under oppression for political reasons and was

forced into hiding because of his deportation.

Abuse of Migrants and Refugees: NGOs continued to express concern about the indefinite detention of refugees and asylum seekers and conditions in detention facilities. Legal experts and UNHCR noted that lengthy detention led to detainee protests, including by hunger strikes, generally intended to create a health concern that would warrant medical release.

Freedom of Movement: Asylum seekers granted a residency permit may settle anywhere and travel in the country freely with conditions, including reporting their residence to authorities. Asylum seekers in detention and under deportation orders may be granted provisional release from detention for illness, if the applicant was a trafficking victim, or in other circumstances as determined on an ad hoc basis by the Ministry of Justice. Provisional release does not provide a work permit and has several restrictions, including an obligation to appear monthly at the Immigration Bureau, report in advance any travel outside the prefecture in which she or he resides, and report any change of residence to the Immigration Office. The system of provisional release also requires a deposit that may amount to three million yen (\$27,500) depending on the individual case. A refugee or asylum seeker who does not follow the conditions may be returned to detention and the deposit is subject to confiscation. Lawyers noted that in recent cases those found working illegally were punished with a minimum of three years' detention.

Employment: Asylum seekers who have a valid visa at the time of their asylum application and whom authorities have determined may be recognized as a refugee may apply for work permits within eight months after the date they were determined to qualify potentially as refugees. An individual must apply for permission to engage in income-earning activities before the visas expire. Individuals must have a work permit to work. In the interim before approval, the Refugee Assistance Headquarters, a section of the government-funded Foundation for the Welfare and Education of the Asian People, provided small stipends to some applicants who faced financial difficulties.

Persons granted refugee status have full employment rights.

Access to Basic Services: Excepting those who met right-to-work conditions,

asylum seekers received limited social welfare benefits, not including health care. This status rendered them dependent on overcrowded government-funded shelters, illegal employment, government financial support, or NGO assistance.

Persons granted refugee status faced the same discrimination patterns often seen by other foreigners: reduced access to housing, education, and employment.

Durable Solutions: In addition to the regular asylum application system, the government may accept refugees under a third-country refugee resettlement program. In April 2020 the government increased the cap on refugees accepted under this program from 30 to 60. NGOs noted the increase but continued to voice concern about the low overall numbers of refugees accepted. COVID-19 related concerns delayed implementing the increase.

Temporary Protection: The government provided temporary protection to 44 individuals in 2020 who may not qualify as refugees. Twenty-five of the 44 were married to Japanese citizens or their children were citizens. The remaining 19 were granted permission to stay based on situations in their home countries, including 10 individuals from Syria. They may live and work in the community.

The Immigration Services Agency announced in August that it would not deport Afghans against their will.

In response to the military coup in Burma in February, the government implemented an emergency measure in May to grant approximately 35,000 Burmese citizens in Japan quasi-amnesty status. Under the measure Burmese citizens in the country were eligible to have their visas extended for six months to one year, depending on their profession. The approximately 2,900 Burmese citizens who requested refugee status were given a six-month visa extension, even if the government had previously rejected their applications.

Approximately 300 Rohingya Muslims were also living in the country under special stay permits on humanitarian grounds or temporary stay visas based on ethnic and religious persecution in Burma. Fewer than 20 Rohingya have been granted refugee status; approximately the same number of Rohingya asylum seekers were out of detention centers on temporary release but were not permitted to work and could be detained again.

g. Stateless Persons

The Ministry of Justice announced that 627 individuals were stateless in 2019 based on immigration provisions. Legal experts argued, however, that stateless persons potentially exceeded the official count because the figure was limited to stateless persons with legitimate residence permits.

By law a stateless person age 20 or older is qualified for naturalization when she or he has met certain criteria, including having lived in the country for at least five consecutive years, good conduct, and financial stability.

Japan-born children of ethnic Koreans who had their Japanese citizenship revoked following the end of Japanese colonial rule in Korea at the end of World War II were deemed foreign nationals, as are their parents. They do not have suffrage rights and may not hold positions in government service. Persons who have not pledged allegiance to either South or North Korea following the division of the Korean Peninsula fall under the special category of “citizens of the Korean Peninsula (Korea or *Chosen*).” These Koreans, regarded as *de facto* stateless by legal experts, may opt to claim South Korean citizenship or to pursue Japanese citizenship. Although they hold no passports, these ethnic Koreans may travel overseas with temporary travel documents issued by the government and were considered special permanent residents.

The Immigration Services Agency conducted the first-ever survey on stateless children in July. There were 217 stateless children younger than age four in the country as of June. The justice minister announced in July that the lack of documents substantiating their nationality and the requirement for formal action by authorities in their home countries resulted in their statelessness. The Justice Ministry also acknowledged that it had no official, comprehensive data on stateless children in the country.

In February a child born in Japan of Ghanaian parents spoke during a study session of the ruling Liberal Democratic Party (LDP) on being born in the country yet being effectively stateless. The justice minister also acknowledged that “it is a serious problem if these children, who were born in Japan, are deprived of the basis of their rights because of [lack of citizenship].”

Children born to Rohingya living in the country remained effectively stateless.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: An election for the Lower House of the Diet in October was free and fair according to international observers. Upper House elections in 2019 were also considered free and fair.

On November 1, lawyers filed lawsuits in 14 high courts and their branches around the country seeking to nullify the results of the Lower House election in all electoral districts. The lawyers stated that the disparity in the weight of a single vote between the most and least populated electoral districts was unconstitutionally wide. In a similar lawsuit, the Supreme Court ruled in 2020 that the 2019 Upper House elections were constitutional while expressing concern that the Diet made little progress to rectify the vote weight disparity.

Participation of Women and Members of Minority Groups: No laws limit participation of women and members of historically marginalized or minority groups in the political process if they are citizens, and they did participate. Women voted at rates equal to or higher than men. Women, however, have not been elected to any level of office at rates reflecting this.

The number of the elected women in both the national parliament and local assemblies remained low. At a national level, female Lower House members accounted for 9.7 percent of the total following the October Lower House election. In the Upper House, the percentage of elected female members was 22.6 percent. The percentages of women's representation in both houses dropped from the previous elections, down from 10.1 percent in the Lower House and 23.1 percent in the Upper House. In local assemblies, the average percentage of the elected women in 2020 was 14.5 percent, according to the Cabinet Offices' Gender Equality Bureau.

The number of female candidates was low as well. Women made up 17 percent of the candidates for the October Lower House elections, down from 17.8 percent from the previous election. A law calls on political parties to make their best efforts to have equal numbers of male and female candidates on the ballot in national and local elections. Separately, a government plan encourages political parties to make their best efforts to raise the number of female candidates to 35 percent of all candidates in national and local elections by 2025. Neither the law or the government plan imposes mandatory quotas for the female candidates, nor do they punish failure to meet these goals.

In an April by-election, a female candidate reported numerous instances of gender discrimination during her campaign, including when the ruling LDP accused her of being too arrogant by assuming she could run for a Diet seat as an untested, “ignorant” female candidate. There were also reports of voters inappropriately touching and sexually harassing female candidates while they were campaigning.

Very few individuals with disabilities ran as candidates.

Some ethnic minority group members of mixed heritage served in the Diet, but their numbers were difficult to ascertain because they did not always self-identify.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were documented cases of corruption by officials.

Independent academic experts stated that ties among politicians, bureaucrats, and businesspersons were close, and corruption remained a concern. There were investigations into financial and accounting irregularities involving government officials.

Corruption: Among cases of corruption by officials, on February 5, the Tokyo District Court sentenced Kawai Anri, former member of the House of Councilors, to imprisonment for one year and four months with a five-year suspension of the jail sentence. On October 21, the court finalized a sentence given to Kawai

Katsuyuki, the spouse of Kawai Anri and a former member of the House of Representatives, of three years' imprisonment and a fine of 1.3 million yen (\$11,900). In 2020 the Kawais were arrested and indicted on charges of paying cash for votes in Kawai Anri's election. The couple lost their Diet seats February 3 (Anri) and April 1 (Katsuyuki).

Thirteen officials from the Ministry of Internal Affairs and Communications were found on June 4 to have violated the government's National Public Service Ethics Code, which prohibits receiving favors from stakeholders. Suga Seigo, son of former prime minister Suga Yoshihide, and other members of the Tohokushinsha Film Corporation, a satellite broadcasting company, gave the 13 officials thousands of dollars' worth of favors on 39 occasions between 2016 and 2020. Of the 13 officials, 11 were administratively reprimanded; none were prosecuted. The light penalty reflected the fact that the process was an internal, administrative one rather than a criminal prosecution.

In September the Tokyo District Court found former LDP Diet member Akimoto Tsukasa guilty of receiving bribes worth 7.6 million yen (\$69,700) between September 2017 and February 2018 from a Chinese gambling operator bidding to enter Japan's casino market. He was also found guilty of offering money to two advisors to the company in exchange for giving false testimony. Akimoto was the senior vice minister in the Cabinet Office in 2017 and 2018 responsible for the government's initiative to legalize the operation of casinos. He was sentenced to four years in prison and fined 7.6 million yen (\$69,700). He appealed the decision to a higher court. As of October, his appeal was still pending.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views.

Government Human Rights Bodies: The Ministry of Justice's Human Rights

Counseling Office has more than 300 offices across the country. Approximately 14,000 volunteers fielded questions in person, by telephone, or on the internet, and provided confidential consultations. Counselling in 10 foreign languages was available in 50 offices. These consultative offices field queries, but they do not have authority to investigate human rights abuses by individuals or public organizations without consent from parties concerned. They provided counsel and mediation, and collaborated with other government agencies, including child consultation centers and police. Municipal governments have human rights offices that deal with a range of human rights problems.

According to the Ministry of Justice, regional legal affairs bureaus nationwide initiated relief procedures in 9,589 cases of human rights abuses in 2020. Of those, 1,693 were committed online, and 256 were cases of sexual harassment. There were 175 cases of human rights violations related to COVID-19. In one such case an individual found to be positive for COVID-19 was denied medical care when their local health authority learned their partner was a health-care provider. The health authority recommended the individual seek care from their partner rather than in an outside setting.

Section 6. Discrimination and Societal Abuses

Discrimination based on race, ethnicity, nationality, sexual orientation, or gender identity is not prohibited.

Women

Rape and Domestic Violence: The law criminalizes various forms of rape, regardless of the gender of a survivor and defines the crime as vaginal, anal, or oral penile penetration by force or through intimidation. Only men can be charged with rape, and the law does not recognize anything other than the use of male genitalia as rape. Forcible penetration with any other body part or object is considered forcible indecency, not rape. The age of consent is 13, which made prosecution for child rape difficult. The law also criminalizes custodial rape of a minor younger than age 18. The law does not deny the possibility of spousal rape, but no court has ever ruled on such a case, except in situations of marital breakdown (i.e., formal or informal separation, etc.). The law mandates a minimum sentence of

five years' imprisonment for rape convictions. Prosecutors must prove that violence or intimidation was involved or that the survivor was incapable of resistance. The penalty for forcible indecency is imprisonment for not less than six months or more than 10 years. Domestic violence is also a crime and survivors may seek restraining orders against their abusers. Convicted assault perpetrators face up to two years' imprisonment or a modest fine. Convicted offenders who caused bodily injury faced up to 15 years' imprisonment or a modest fine. Protective order violators faced up to one year's imprisonment or a moderate fine. The National Police Agency received 82,643 reports of domestic violence in 2020, a record high after consecutive annual increases since 2003.

In October the Cabinet Office's Gender Equality Bureau reported a decrease in domestic violence inquiries compared with the same period in 2020. From April to September, it reported receiving 90,843 inquiries compared with 96,132 inquiries in the same period in 2020. The Ministry of Health, Labor and Welfare allowed survivors fleeing domestic or sexual violence to receive public services from their municipality of actual residence rather than from that of their residence of record.

Rape and domestic violence were significantly underreported crimes. Observers attributed women's reluctance to report rape to a variety of factors, including fear of being blamed, fear of public shaming, a lack of support, potential secondary victimization through the police response, and court proceedings that lack empathy for rape survivors.

In March a 43-year-old female company board official was arrested on suspicion of indecent behavior with a 17-year-old boy. Police said the woman and the survivor met on social media.

Survivors of abuse by domestic partners, spouses, and former spouses could receive protection at shelters run by either the government or NGOs.

Sexual Harassment: The law requires employers to make efforts to prevent sexual harassment in the workplace; however, such sexual harassment persisted (see section 7.d.).

Sexual harassment also persisted in society. Men groping women and girls on trains continued to be a problem. The NGO Japan National Assembly of Disabled

People's International reported continued sexual harassment and stalking of women in wheelchairs or with visual impairment on trains and at stations, calling on some railway companies to stop announcing that persons with physical disabilities were boarding trains; such announcements sometimes also included the car or station involved. Some railway companies reportedly used such announcements so that train station attendants and train crew could prevent accidents. The assembly noted the announcement, however, helped would-be offenders locate female passengers with physical disabilities. On the request of the NGO, the Ministry of Land, Infrastructure, Transport and Tourism in July issued a request that railway companies consider using alternative communication means. In August the ministry hosted a virtual meeting where representatives of more than 60 railway companies learned from assembly representatives about the harassment and stalking of women with disabilities on trains and at stations. As of the end of August, the assembly reported continued announcements by some railway companies, primarily in the greater Tokyo area.

In August the gender council of a youth group consisting mainly of high school and university students held an online petition campaign "NoMoreChikan," demanding that the government take more fundamental and serious steps to prevent *chikan* (groping). At a press conference in late August, the group called on the government to conduct an in-depth survey of *chikan*, to increase awareness and education in schools including teaching students how to react when they are victimized, and to set up correctional programs for offenders. The group collected more than 27,000 signatures on a petition with its requests sent to the Ministry of Education, political parties, and the Tokyo Metropolitan Assembly in September.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The law requires transgender persons to be without reproductive capacity, effectively requiring surgical sterilization for most persons to have their gender identity legally recognized. (See subsection "Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity" below for more information.)

The law requires spousal consent to terminate a pregnancy.

In March the Ministry of Health issued new guidelines to allow survivors of domestic violence to terminate a pregnancy without spousal consent. There were reports that rape survivors were denied abortions without consent of the perpetrator. The Japan Medical Association instructed gynecologists to request documentation like a bill of indictment or a court sentence from sexual assault survivors seeking an abortion.

The government subsidized sexual or reproductive health-care services for survivors of sexual violence when the survivors seek help from police or government-designated centers supporting sexual violence survivors located in each prefecture. These services included medical examinations and emergency contraception.

Discrimination: The law prohibits discrimination based on sex and generally provides women the same rights as men. The Gender Equality Bureau in the Cabinet Office continued to examine policies and monitor developments.

Despite the law and related policies, NGOs continued to allege that implementation of antidiscrimination measures was insufficient, pointing to discriminatory provisions in the law, unequal treatment of women in the labor market (see section 7.d.), and low representation of women in elected bodies.

Calls for the government to allow married couples to choose their own surnames continued. The civil code requires married couples to share a single surname. According to the government, 96 percent of married couples adopt the husband's family name. On June 23, the Supreme Court ruled that the legal provision requiring married couples to use the same surname is constitutional. The ruling upheld a 2015 decision and recommended the issue be discussed in the Diet.

In February Mori Yoshiro, chairperson of the Tokyo Olympic and Paralympics organizing committees and a former prime minister, was forced to resign after saying that meetings with women take too long because women talk too much.

Three high school students collected more than 7,500 signatures on a petition urging a major convenience store to change the name of its readymade food line from Okaasan Shokudo (Mom's Diner). They argued there is an inherent gender bias in the name, implying that a wife's job is to do the cooking and housework,

possibly deepening social biases.

According to National Police Agency statistics, 7,026 women committed suicide in 2020, a 15 percent increase from the previous year. In February the prime minister elevated the issue to the cabinet level, assigning it to the minister for regional revitalization. A member of the ruling LDP's "loneliness and isolation" taskforce attributed the increase to stresses arising from the pandemic, including the increased presence in the home of spouses and children; record levels of domestic violence; and multiple high-profile celebrity suicides. The government also reported the number of working women who committed suicide rose to 1,698 in 2020 compared with an annual average of 1,323 from 2015 to 2019. The government attributed the more than 28 percent increase to the COVID-19 pandemic, in which women were disproportionately dismissed from their employment. The number of men and nonworking or self-employed women committing suicide declined. In response the bureau continued 24-hour hotline services and consultation services via social network services in Japanese and 10 foreign languages.

Systemic Racial or Ethnic Violence and Discrimination

There is no comprehensive law prohibiting racial, ethnic, or religious discrimination.

Despite legal safeguards against discrimination, foreign permanent residents in the country and non-ethnic Japanese citizens, including many who were born, raised, and educated in the country, were subjected to various forms of entrenched societal discrimination, including restricted access to housing, education, health care, and employment opportunities. Foreign nationals and "foreign looking" citizens reported they were prohibited entry – sometimes by signs reading "Japanese Only" – to privately owned facilities serving the public, including hotels and restaurants.

Senior government officials publicly repudiated the harassment of ethnic groups as inciting discrimination and reaffirmed the protection of individual rights for everyone in the country.

Representatives of the ethnic Korean community said hate speech against Koreans in public and on social networking sites persisted.

According to legal experts, hate speech or hate crimes against transgender women and ethnic Koreans, especially against Korean women and students, were numerous, but there were also incidents directed at other racial and ethnic minorities. Legal experts pointed out that hate speech against Chinese and Ainu also increased after the COVID-19 outbreak and the opening of the government-run National Ainu Museum in July 2020, respectively.

In May the Tokyo High Court ordered an Oita man to pay 1.3 million yen (\$11,900) in damages for discriminatory comments he made on his blog about Koreans living in the country. The ruling determined the comments constituted racial discrimination. The plaintiff identified the defendant by using identifying information obtained from the internet service provider.

Students at Korea University (operated by an organization with close links to the North Korean regime) in Tokyo were excluded from government-issued financial aid designed to mitigate financial difficulties among students resulting from COVID-19. The government denied the exclusion of Korea University, which the government does not recognize as a higher education institution, constituted discrimination based on race, ethnicity, or nationality.

There were reports that kindergartners at an ethnically Korean school in Saitama were excluded from a government initiative to distribute face masks to schoolchildren and preschool workers.

In July the Supreme Court rejected a lawsuit to compel the government to provide Chosen schools subsidies for tuition. Chosen schools offer education to resident ethnic Koreans; the national government does not recognize them. All private high schools, except for the 64 Chosen schools, received tuition subsidies from the government. Local prefectures may recognize them and independently provide subsidies.

The law specifically addresses discrimination against *Buraku* (the descendants of feudal-era outcasts). It obligates national and local governments to study discrimination against Buraku, implement awareness education, and enhance the counseling system.

Buraku advocacy groups continued to report that despite socioeconomic

improvements in their communities, widespread discrimination persisted in employment, marriage, housing, and property assessment. Although the Buraku label was no longer officially used to identify individuals, the family registry system can be used to identify them and facilitate discriminatory practices. Buraku advocates expressed concern that employers who required family registry information from job applicants for background checks, including many government agencies, might use this information to identify and discriminate against Buraku applicants.

Indigenous Peoples

The law recognizes Ainu as indigenous people, protects and promotes their culture, and prohibits discrimination against them. The law requires the national and local governments to take measures to support communities and boost local economies and tourism. The law does not provide for self-determination or other tribal rights, nor does it stipulate rights to education for Ainu.

There were widespread reports of continued discrimination against Ainu. In March a Nippon Television program broadcast content that used an anti-Ainu slur, in April graffiti with the same derogatory language was found in Tokyo, and throughout the year there were reports of hate speech online.

Although the government does not recognize the Ryukyu (a term that includes residents of Okinawa and portions of Kagoshima Prefecture) as indigenous people, it officially acknowledged their unique culture and history and made efforts to preserve and show respect for those traditions.

Children

Birth Registration: The law grants citizenship at birth to a child of a Japanese father who either is married to the child's mother or recognizes his paternity; a child of a Japanese mother; or a child born in the country to parents who are both unknown or are stateless. The law relieves individuals from some conditions for naturalization to a person born in the country with no nationality at the time of birth but who has resided in the country for three consecutive years or more since his or her birth, but it does not grant citizenship without further conditions. The

law requires registration within 14 days after in-country birth or within three months after birth abroad, and these deadlines were generally met. Individuals were allowed to register births after the deadline but were required to pay a nominal fine.

The law requires individuals to specify whether a child was born in or out of wedlock on the birth registration form. The law presumes that a child born within 300 days of a divorce is the divorced man's child, resulting in the nonregistration of an unknown number of children.

Child Abuse: Reports of child abuse increased. Experts attributed the rise to increased social isolation during the COVID-19 pandemic. According to official data, police investigated a record 2,133 child abuse cases in 2020, an 8.2 percent increase from the previous year. Of the cases, 1,756 involved physical violence; 299 involved sexual abuse; 46, psychological abuse; and 32, neglect. Police took custody of 5,527 children whose lives were threatened and notified child consultation centers of suspected abuse against a record 106,991 children. Also in 2020, child abuse deaths totaled 57, of which half (28) were of children younger than age one. There were concerns that more cases went undetected as COVID-19 reduced the frequency with which children interacted with persons outside the family.

Reports of sexual abuse of children by teachers declined by more than half, largely because of increased public awareness and disciplinary dismissal of those teachers, according to a Ministry of Education official. Local education boards around the nation imposed disciplinary actions on 126 public school teachers for sexual misconduct with children from April 2019 through March 2020 according to the Ministry of Education. The ministry dismissed 96 percent of the disciplined teachers from their teaching posts. By law their teaching licenses were invalidated, but they may obtain teaching licenses again after three years. Children were also subject to human rights abuses via the internet. Abuses included publishing photographs and videos of elementary school students in public places without their consent. The government requested site operators to remove such images, and many reportedly complied.

Child, Early, and Forced Marriage: The law stipulates that to marry, the male

partner must be age 18 or older and the female partner 16 or older. A person younger than 20 may not marry without at least one parent's approval. A law creating gender parity in the legal age to marry, 18 for both sexes, comes into force in April 2022.

Sexual Exploitation of Children: The commercial sexual exploitation of children is illegal, with penalties including prison sentences or moderate fines. Statutory rape laws criminalize sexual intercourse with a girl younger than age 13, notwithstanding her consent. The penalty for statutory rape is a sentence of not less than three years' imprisonment with mandatory labor. The law was enforced. Additionally, national law and local ordinances address sexual abuse of minors. Possession of child pornography is a crime. The commercialization of child pornography is illegal with the penalty of imprisonment with labor for not more than three years or a moderate fine. Police continued to crack down on this crime and noted that instances of sexual exploitation via social networking services continued to rise. NGOs continued to express concern that preventive efforts more frequently targeted victims rather than perpetrators. NGOs reported the low age of consent complicated efforts to formally identify children exploited in commercial sex as trafficking victims.

The continued practice of *enjo kosai* (compensated dating) and the existence of websites for online dating, social networking, and "delivery health" (a euphemism for call girl or escort services) facilitated the sex trafficking of children and other commercial sex industries. NGOs reported that unemployment and stay-at-home orders established because of the COVID-19 crisis fueled online sexual exploitation of children. The government's interagency taskforce to combat child sex trafficking in *joshi kosei* (or "JK" businesses) – dating services connecting adult men with underage girls – and in forced pornography continued to strengthen its crackdown on such businesses. Ordinances in seven prefectures ban JK businesses, prohibiting girls younger than age 18 from working in "compensated dating services," or requiring JK business owners to register their employee rosters with local public safety commissions. NGOs helping girls in the JK business reported a link between these activities and the commercial sexual exploitation of children in prostitution.

In May, Honda Hiranao, a Constitutional Democratic Party of Japan Lower House

Diet member from Hokkaido, reportedly said that it would be “wrong” for a man in his 50s like himself to be arrested for having consensual sex with a 14-year-old child. The remark came as the party discussed raising the age of consent from 13 to 16. In June, Honda publicly apologized and asked to withdraw his remarks, for which the party gave him a “severe verbal warning.” In July he resigned from the party and the Diet.

The country was a site for the production of child pornography and the exploitation of children by traffickers.

No law addresses the unfettered availability of sexually explicit cartoons, comics, and video games, some of which depicted scenes of violent sexual abuse and the rape of children.

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The total Jewish population is approximately 3,000 to 4,000. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

A law prohibits discrimination against persons with physical, intellectual, mental, or other disabilities affecting body and mind and bars infringement of their rights and interests on the grounds of disability in the public and private sectors. The law

requires the public sector to provide reasonable accommodations and the private sector to make best efforts in employment, education, access to health care, or the provision of other services. The laws do not stipulate remedies for persons with disabilities who experience discriminatory acts, nor do they establish penalties for noncompliance. Accessibility laws mandate that construction projects for public-use buildings must include provisions for persons with disabilities. The government may grant low interest loans and tax benefits to operators of hospitals, theaters, hotels, and other public facilities if they upgrade or install features to accommodate persons with disabilities. Nonetheless, persons with disabilities faced physical barriers to accessing some public services.

Abuse of persons with disabilities was a serious concern. Persons with disabilities experienced abuse, including sexual abuse of women with disabilities, by family members, care-facility employees, and employers. Some persons with disabilities reported increased verbal abuse of persons with disabilities on the street.

HIV and AIDS Social Stigma

No law prohibits discrimination against persons with HIV or AIDS; nonbinding health ministry guidelines state that firms should not terminate or fail to hire individuals based on their HIV status. Courts have awarded damages to individuals fired from positions due to their HIV status.

Concerns about discrimination against individuals with HIV or AIDS and the stigma associated with the disease, and fear of dismissal, prevented many persons from disclosing their HIV or AIDS status.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

No law prohibits discrimination based on sexual orientation or gender identity, and there are no penalties associated with such discrimination. In April, however, Mie became the country's first prefecture to implement an ordinance to prohibit forcing lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons to disclose their sexual orientation or gender identity and to ban disclosure of their sexual orientation or gender identity without their consent. The ordinance,

however, has no penalties nor a remedy mechanism for abuses. LGBTQI+ advocacy organizations reported instances of discrimination, outing, bullying, harassment, and violence.

The LDP failed to advance a bill to promote greater understanding of the LGBTQI+ community due to strong opposition from influential party members to including the phrase “discrimination is unacceptable.” In May, LDP Lower House Member Yana Kazuo reportedly claimed that sexual minorities were “resisting the preservation of the species that occurs naturally in biological terms.”

All new textbooks included extensive information about LGBTQI+ and gender issues across nine subjects.

The law requires transgender persons to be without reproductive capacity, effectively requiring surgical sterilization for most persons to have their gender identity legally recognized. They also must meet additional conditions, including undergoing a psychiatric evaluation and receiving a diagnosis of “gender identity disorder,” a disorder not recognized in the International Classification of Diseases; being unmarried and older than age 20; and not having any children younger than age 20. If the conditions are met, pending approval by a family court, their gender can be recognized.

In 2019 (most recent available data), 948 individuals officially registered a new gender, the highest number since it was allowed in 2004, according to the Supreme Court. Advocates, however, continued to voice concern about discrimination and the strict conditions required for persons to change their sex in family registries.

In May the Tokyo High Court ruled that it was acceptable for the Ministry of Economy, Trade, and Industry to restrict the use of women’s bathrooms by a transgender official, overturning a lower court ruling. The official has been diagnosed with gender-identity disorder but was still registered as male in her family registry. The official also claimed the ministry told persons at her workplace about her gender-identity disorder without her approval. The court ordered the state to pay 110,000 yen (\$1,010) in damages for psychological pain caused by inappropriate remarks made by the person’s superiors.

In November 2020 the Tokyo High Court dismissed an appeal for damages from

the parents of a student who fell from a school building in 2015 after his classmates disclosed he was gay; however, the court ruled that revealing the student's sexual orientation was illegal.

According to a survey of more than 10,000 LGBTQI+ individuals, 38 percent reported being sexually harassed or assaulted. One respondent, a transgender man, reported that after being sexually assaulted by a man, he was subsequently refused help by a sexual violence counseling center and turned away by police when trying to file a report. The Ministry of Justice received 15 inquiries about potential human rights abuses based on sexual orientation and gender identity in 2020, providing the inquirers with legal advice.

Stigma surrounding LGBTQI+ persons remained an impediment to self-reporting of discrimination or abuse.

There is one openly LGBTQI+ national legislator, a member of the Constitutional Democratic Party of Japan.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of private-sector workers to form and join unions of their choice without previous authorization or excessive requirements and protects their rights to strike and bargain collectively.

The law restricts the right of public-sector workers and employees of state-owned enterprises to form and join unions of their choice. Public-sector employees may participate in public-service employee unions, which may negotiate collectively with their employers on wages, hours, and other conditions of employment. The International Labor Organization continued to raise concerns that the law restricts some public-sector employees' labor rights. Public-sector employees do not have the right to strike; trade union leaders who incite a strike in the public sector may be dismissed and fined or imprisoned. Firefighting personnel and prison officers are prohibited from organizing and collectively bargaining.

Workers in sectors providing essential services, including electric power

generation and transmission, transportation and railways, telecommunications, medical care and public health, and the postal service, must give 10 days' advance notice to authorities before conducting a strike. Employees involved in providing essential services do not have the right to collective bargaining.

The law prohibits antiunion discrimination and provides for the reinstatement of workers fired for legal union activities.

The government effectively enforced laws providing for freedom of association, collective bargaining, and legal strikes. Government oversight and penalties were commensurate with those for other laws involving denials of civil rights.

Collective bargaining was common in the private sector.

In the case of a rights violation, a worker or union may lodge an objection with the Labor Committee, which may issue a relief order requiring action by the employer. If the employer fails to act, a plaintiff may then take the matter to a civil court. If a court upholds a relief order and determines that a violation of that order has occurred, it may impose a fine, imprisonment, or both.

The increasing use of short-term contracts undermined regular employment and frustrated organizing efforts.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The law, however, does not expressly define what would constitute forced or compulsory labor, allowing for prosecutorial discretion when pursuing such cases.

Although the government generally effectively enforced the law, enforcement was lacking in some sectors, especially those in which foreign workers were commonly employed. Legal penalties for forced labor varied depending on its form, the victim(s), and the law used to prosecute such offenses. Some were not commensurate with those for other analogous serious crimes. For example, the law criminalizes forced labor and prescribes penalties of up to 10 years' imprisonment, but it also allows for moderate fines in lieu of incarceration. NGOs argued that reliance on multiple and overlapping statutes hindered the government's ability to identify and prosecute trafficking crimes, especially for

cases involving forced labor with elements of psychological coercion.

Indications of forced labor persisted in the manufacturing, construction, and shipbuilding sectors, primarily in small- and medium-size enterprises employing foreign nationals through the Technical Intern Training Program (TITP). This program allows foreign workers to enter the country and work for up to five years in a de facto guest-worker program that many observers assessed to be rife with vulnerabilities to trafficking and other labor abuses.

Workers in the TITP experienced restrictions on freedom of movement and communication with persons outside the program, nonpayment of wages, excessive working hours, high debt to brokers in countries of origin, and retention of identity documents, despite government prohibitions on these practices. The Organization for Technical Intern Training oversees the TITP, including conducting on-site inspections of TITP workplaces. The organization maintained its increased workforce, including inspectors, but labor organizations continued to cite concerns that it was understaffed, insufficiently accessible to persons who do not speak Japanese, and ineffective at identifying labor rights violations.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. Children ages 15 to 18 may perform any job not designated as dangerous or harmful, such as handling heavy objects or cleaning, inspecting, or repairing machinery while in operation. They are also prohibited from working late night shifts. Children ages 13 to 15 years may perform "light labor" only, and children younger than age 13 may work only in the entertainment industry.

The government effectively enforced these laws. Penalties for child labor violations included fines and imprisonment and were commensurate with those for other analogous serious crimes.

Children were subjected to commercial sexual exploitation (see section 6, Children).

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on race, national origin, color, sex, ethnicity, disability, and age, but it does not explicitly prohibit discrimination with respect to employment and occupation based on religion, sexual orientation or gender identity, HIV-positive status, or language. The government effectively enforced the applicable laws, and penalties for violations were commensurate with similar laws related to civil rights, such as the Public Offices Election Act.

The law prohibits gender-based discrimination in certain circumstances, including recruitment, promotion, training, and renewal of contracts. It does not address mandatory dress codes. The law imposes some restrictions on women's employment. The law restricts women from performing certain tasks in underground mining as well as work that requires lifting very heavy objects or spraying 26 specified hazardous materials such as polychlorinated biphenyls. Additional restrictions apply to pregnant women and those who gave birth within the prior year.

The law mandates equal pay for men and women; however, the International Labor Organization viewed the law as too limited because it does not capture the concept of "work of equal value." A private-sector survey of more than 24,000 companies in July showed the proportion of women in corporate managerial posts rose to a high of 8.9 percent. Women's average monthly wage was approximately 74 percent that of men in 2020. The equal employment opportunity law includes prohibitions against policies or practices that have a discriminatory effect, even if unintended (called "indirect discrimination" in law), for all workers in recruitment, hiring, promotion, and changes of job type.

Women continued to express concern about unequal treatment in the workforce, including sexual and pregnancy harassment. The law does not criminalize sexual harassment, but the equal employment opportunity law requires companies to take measures to prevent it; asks companies to report incidents if they occur; and offers administrative advice, instructions, or guidance.

When a violation of equal employment opportunity law is alleged, the Ministry of

Health, Labor, and Welfare may request the employer to report the matter, and the ministry may issue advice, instructions, or corrective guidance. If the employer fails to report or files a false report, the employer may be subject to a fine. If the employer does not follow the ministry's guidance, the employer's name may be publicly disclosed. Government hotlines in prefectural labor bureau equal employment departments handled consultations concerning sexual harassment and mediated disputes when possible. The Labor Ministry portal regarding harassment in the workplace showed, for example, that there were 87,670 cases of power harassment, 7,323 cases of sexual harassment, and 2,131 cases of maternity harassment reported to the prefectural labor consultation centers in 2019.

In June, a year after the implementation of a revised law requiring companies to take measures to prevent power harassment and sexual harassment in the workplace, the Japanese Trade Union Confederation conducted a survey of 1,000 working men and women between the ages of 20 to 59 (not including corporate executives, entrepreneurs, or the self-employed) that showed limited progress. According to the survey, approximately one-third of workers had experienced some type of harassment in the workplace. Approximately 40 percent said their employer took no action when harassment occurred, and 43 percent of that group told no one because they thought it would not help.

In October 2020 the Ministry of Health, Labor, and Welfare released a survey of 1,000 male and female graduates from universities or vocational schools during fiscal years 2017-19 on sexual harassment during their job search and internship. Overall, 25 percent of the respondents experienced sexual harassment; 9 percent reported being forced to have sexual relations. When asked what they did after the sexual harassment, 25 percent said they did nothing, and almost 8 percent said they gave up on the job search process.

The law mandates that both government and private companies hire at or above a designated minimum proportion of persons with disabilities (including mental disabilities). The government hiring rate is 2.5 percent; for private companies it is 2.2 percent. By law companies with more than 100 employees that do not hire the legal minimum percentage of persons with disabilities must pay a moderate fine per vacant position per month. Disability rights advocates claimed that some companies preferred to pay the mandated fine rather than hire persons with

disabilities. There is no penalty for government entities failing to meet the legal minimum hiring ratio for persons with disabilities.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law establishes a minimum wage, which varies by prefecture but in all cases allows for earnings above the official poverty line. The government effectively enforces the minimum wage.

The law provides for a 40-hour workweek for most industries and, with exceptions, limits the number of overtime hours permitted in a fixed period. Violators may face penalties including fines and imprisonment commensurate with those for similar crimes.

Labor unions continued to criticize the government for failing to enforce the law regarding maximum working hours; workers, including those in government jobs, routinely exceeded the hours outlined in the law.

The Ministry of Labor conducted 24,042 on-site workplace inspections of workplaces they had reason to suspect excessive overtime was taking place during fiscal year 2020 (April 2020 to May 2021). It found violations at 8,904, or 37 percent of workplaces. The Ministry of Labor provided the violators with guidance for correction and improvement.

Workers employed on term-limited contracts, known as “nonregular” workers, continued to receive lower pay, fewer benefits, and less job security than their “regular” colleagues performing the same work. Most women in the workforce were employed as nonregular workers. The law requires employers to treat regular and nonregular workers equally when the job contents and the scope of expected changes to the job content and work location are the same. This law went into effect in April 2020 for large companies and in April 2021 for small- and medium-size enterprises.

Occupational Safety and Health: The government sets occupational safety and health (OSH) standards. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Ministry of Labor is responsible for enforcing laws and regulations governing wages, hours, and OSH standards in most industries. The National Personnel Authority covers government officials. The Ministry of Economy, Trade, and Industry covers OSH standards for mining, and the Ministry of Land, Infrastructure, Transport, and Tourism is responsible for OSH standards in the maritime industry.

The government effectively enforced OSH laws, and penalties for OSH violations were commensurate with those for similar crimes. While inspectors have the authority to suspend unsafe operations immediately in cases of flagrant safety violations, in lesser cases they may provide nonbinding guidance. Inspectors have the authority to make unannounced inspections and initiate sanctions. Government officials acknowledged their resources were inadequate to oversee more than 4.3 million firms and that the number of labor inspectors was insufficient to enforce compliance.

Reports of OSH and wage violations in the TITP are common; they included injuries due to unsafe equipment and insufficient training, nonpayment of wages and overtime compensation, excessive and often spurious salary deductions, forced repatriation, and substandard living conditions (also see section 7.b.).

There were 131,156 major industrial accidents in 2020 resulting in the death or injury of workers requiring them to be absent from work for more than four days (802 deaths). Falls, road traffic accidents, and injuries caused by heavy machinery were the most common causes of workplace fatalities. The Ministry of Health, Labor, and Welfare also continued to grant formal recognition to victims of *karoshi* (death by overwork). Their former employers and the government paid compensation to family members when conditions were met.

Ministry of Health, Labor, and Welfare initiatives to prevent accidents and injuries in the workplace include checklists, educational materials, leaflets, and videos on the proper handling of equipment and use of safety gear, and promoting workspaces organized to minimize accidents.